

REMARKS

The claims have been amended to improve the style of this application.

Claim 67 has been rejected as being unclear as to whether the support or the stack possesses the claimed longitudinal axis. Applicant notes that line 3 of claim 67 sets forth "said longitudinal axis of the stacked articles". Applicant has also amended claim 67 to specifically state "the stack of articles having a longitudinal axis". Therefore it is Applicant's position that the original claim clearly indicated that the stack had the longitudinal axis, and the amended claim further clarifies that the stack of articles has a longitudinal axis. Applicant notes that it is still possible according to the claim for the support to also have a longitudinal axis. Applicant is not disclaiming the possibility of the support having a longitudinal axis.

Claim 67 has also been rejected as being unclear with respect to how the support holds a stack. Applicant does not intend to limit claim 67 to one specific method or manner of a support holding a stack. Instead claim 67, lines 8 - 10, is written to cover all structure which can hold a stack of articles with a longitudinal axis in a predominantly vertical direction. This portion of claim 67 is therefore not unclear, but broadly covers all structure which can hold a stack. If the Examiner has any comments or suggestions for alternate wording of this broad feature, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

It is Applicant's understanding that Applicant has a right to claim a feature very broadly, as long as the metes and bounds of that feature are clearly indicated. The metes and bounds of the support of claim 67 are clearly indicated to be all structure which can hold a stack of articles

with a longitudinal axis in a predominately vertical direction.

Claim 67 has been rejected as being anticipated by Neukam.

Claim 67 sets forth a plurality of article shafts. The rejection does not indicate which structure in Neukam is equated with the plurality of article shafts of claim 67. Applicant has reviewed Neukam, and notes that Neukam teaches a stack of boxes 22 on a pallet 15. Neither the boxes 22 or the pallet 15 has all of the features of the plurality of article shafts 67. Therefore elements 22 and 15 of Neukam cannot anticipate the article shafts of claim 67.

Claim 67 also sets forth a cart horizontally movable along the plurality of article shafts and an article loader vertically movable on the cart. In the embodiment of the present drawings, the cart is represented by reference 5. The article loader of claim 67 is represented in the embodiment of the present drawings by reference 52, as especially shown in Figs. 6 and 7. In the embodiment of Fig. 6, the article loader is shown as a lower ejector, and in the embodiment of Fig. 7, the article loader is shown as an upper ejector. Claim 67 also sets forth that the article loader includes an ejector for individually ejecting one of the articles from the stack of articles into a selected one of the article shafts.

The rejection does not indicate which structure in Neukam anticipates the cart, the article holder or the ejector of claim 67. Applicant has reviewed Neukam, and notes that Neukman describes inclined roller conveyors 9 and a loader 18. However, Applicant finds no structure on element 18 which is similar to the ejector of the article loader of claim 67. Since there appears to be no structure in element 18 similar to the ejector of the article loader of claim 67, element 18 of Neukam cannot fully anticipate the article loader of claim 67.

Applicant notes that even if the inclined roller conveyors 9 of Neukam were equated with the plurality of article shafts of claim 67, element 9 of Neukam does not have the relationship with element 18 that the article shafts of claim 67 have with the cart and article loader. Therefore since element 9 of Neukam does not have the same relationship as the article shafts of claim 67, or element 9 of Neukam fails to anticipate all of the features of the article shafts of claim 67.

Applicant also finds Neukam to describe a dispenser 7 with one or more parallel vertical shafts 3. It is Applicant's position that a person of ordinary skill in the art would not consider the one or more parallel vertical shafts 3 of Neukam to be similar to the plurality of article shafts sloped with respect to horizontal of claim 67. Therefore the vertical shafts 3 of Neukam do not anticipate the plurality of article shafts of claim 67.

Neukam also describes a loader 25. Applicant has reviewed the loader 25 of Neukam, and finds no teaching nor suggestion that element 25 of Neukam has all of the features of the article loader of claim 67. As described previously, the article loader of claim 67 sets forth an ejector individually ejecting one of the articles from the stack of articles in the transverse direction into a selected one of the article shafts. Applicant finds no structure in element 25 of Neukam which individually ejects one article from a stack of articles. It appears that element 25 of Neukam moves products 2, but has no structure for individually ejecting one of products 2. In particular Applicant finds no teaching nor suggestion in element 25 for individually ejecting any one article from a stack of articles. Therefore element 25 of Neukam fails to anticipate all of the features of the article loader of claim 67.

Furthermore, since elements 7 and 3 of Neukam do not have all of the features of the plurality of article shafts of claim 67, elements 3 and 7 do not have the same relationship with element 25 as the plurality of article shafts and article loader of claim 67. Claim 67 therefore further defines over Neukam.

Applicant finds no suggestion or motivation in Neukam, which would lead a person of ordinary skill in the art to modify Neukam to have all of the features of the article loader of claim 67, and the relationship of the article loader with the plurality of article shafts in claim 67. Therefore claim 67 cannot be considered obvious in view of Neukam.

Claim 68 sets forth further features of the ejector. In particular the ejector is arranged at a bottom of the article loader and moves a lower most article. One embodiment of this ejector is shown in Fig. 6 of the present application. The rejection does not indicate where the ejector of claim 68 can be found in Neukam. As described previously, Applicant finds no teaching nor suggestion of any ejector in Neukam. Therefore Neukam cannot teach the further features of the ejector as set forth in claim 68. Claim 68 therefore further defines over Neukam.

Claim 69 sets forth that the ejector is arranged at a top of the article loader and moves an uppermost article from the stack of articles from the article loader into the upper end of the selected one of the article shafts. The rejection does not indicate what structure in Neukam is equated with the ejector of claim 69. As Applicant has described previously, Neukam does not describe an ejector. Therefore Neukam cannot describe an ejector with the features of claim 69. Claim 69 therefore further defines over Neukam.

The present invention is an improvement over Neukam, because the present invention

is able to individually eject articles from a stack of articles into a shaft. This is especially beneficial in the present invention, where the shafts 4 form an article bay 3 as shown in Fig. 9. Article bay 3 can then be fitted with individual dispensers for dispensing single articles onto a conveyor belt as shown in the bottom center of Fig. 9. Such a situation is very useful in pharmacies and other merchandising operations where individual articles need to be selectively removed and transported. The apparatus of Neukam, clearly cannot be used with an article bay where individual articles are to be selected and removed.

New claims 70 through 78 have been added to further emphasize important features of the invention, in particular the clamp. Present Figure 8 shows one embodiment of the clamp of the present invention. One advantage of the clamp is that it is not necessary to handle a stack of articles in a separate magazine (as it is the case of EP 0 794 135 - see introduction of the specification ) which must be removed empty in a separate logistic manner from the loading station back to the re-filling station of the magazine to use it once more. Instead of a separate magazine, the inventive loader has an integrated clamping device in direction Q of the figures to hold the stack of articles while moving within the bays between the somewhat horizontal and vertical sloped position of the loader. Of course, the clamping device is inactive/ loosened/ open when the stack of articles is in a somewhat vertical position of the loader close to the position B when ejecting individually the lowest article of the stack into the higher end of the selected channel of the second bay (or the highest article of the stack in another embodiment of the invention).

If the Examiner has any comments or suggestions which would further favorable

prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted  
for Applicant,

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